



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

MKM:TH/MKP
F. #2017R01840

271 Cadman Plaza East
Brooklyn, New York 11201

October 3, 2018

By ECF

The Honorable Vera M. Scanlon
United States Magistrate Judge
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Keith Raniere, et al.
Criminal Docket No. 18-204 (NGG) (S-1)

Dear Judge Scanlon:

The government respectfully submits this letter, jointly on behalf of all parties, with a proposed schedule for discovery and motion practice.

As set forth below, the parties have reached substantial agreement on a proposed schedule. To the extent a deadline or item remains in dispute, we have identified such item in bold and appended a footnote explaining the nature of the dispute. The parties continue to confer amongst themselves as to the timing of expert disclosures and related motion practice, exhibits, and disclosures pursuant to 18 U.S.C. § 3500, and will report to the Court in two weeks with either a jointly-proposed schedule or letters identifying specific areas of disagreement.

A. Privilege Meet-and-Confers Between Firewall Team and Counsel for Defendants Raniere, Bronfman, and Nancy Salzman¹

· October 22, 2018

¹ The parties have been making progress trying to resolve outstanding privilege questions, and believe that they may be able to propose a joint schedule as to privilege review and any related litigation following this meet and confer.

B. Defense Pretrial Motions (Unrelated to Discovery or Severance)

- Defense Motions due November 16, 2018
- Government Response due December 14, 2018
- Defense Replies due December 21, 2018

C. Rule 16 Discovery²

- December 7, 2018

D. Defense Pretrial Motions As to Severance, Suppression, and Discovery

- Defense Motions due January 7, 2019
- Government Response due January 21, 2019
- Defense Replies due January 30, 2019

² The parties disagree as to the meaning of the Court's ruling that December 7, 2018 is the "working date for the Government's production of all relevant known discovery." (See 9/27/2018 Minute Entry.) The defense submits that this date should constitute a firm discovery deadline, such that, to the extent that the government produces any discovery after that date, the defense submits that they will have to provide good cause for the belated disclosure or be subject to sanctions under Federal Rule of Criminal Procedure 16(d)(2). See, e.g., Docket Entry No. 164 ("The Government is expected to comply with all of its obligations to make complete and timely productions through the dedication of sufficient resources to the discovery production process.").

The government seeks to have this deadline designated as the date by which Rule 16 discovery currently in government's possession would be substantially complete. In the government's view, a "discovery cut-off"—over three months prior to the start of trial—is unprecedented and without basis. See 9/27/2018 Transcript at 52 (describing the December 7 date as "not a cut-off but the expectation is that the government will have produced as much as possible").

E. Motions Related to Jury Selection³

- January 14, 2019

F. Government Motion to Admit Enterprise and Other Act Evidence

- Motion due January 28, 2019
- Responses due February 4, 2019
- Replies due February 11, 2019

G. Motions in Limine

- Motions due February 11, 2019
- Responses due February 22, 2019
- Replies due March 4, 2019

H. Opening Statements and Trial

- March 18, 2019

³ The defense respectfully submits that any pretrial schedule necessarily should include a schedule for jury selection and the distribution and review of juror questionnaires. See, e.g., 09/14/2018 Tr. at 19 (Judge Garaufis: “If we are going to bring in jurors on January 7th to fill out questionnaires, then you need a week and a half to look at the questionnaires, you need to consult with each other on striking potential jurors for cause on consent, and then we start the process of interviewing jurors.”). The defense seeks a February 11, 2019 date for the summoning of jurors and distribution of questionnaires.

The government respectfully submits that the parties should be heard regarding the process and procedures of jury selection in advance of any such date being set. Should the defense wish to file a motion regarding its preferences for jury selection before January 14, 2019, the government will respond within two weeks.

The parties jointly reserve the right to seek leave from the Court to amend the above dates.

Respectfully submitted,

RICHARD P. DONOGHUE
United States Attorney

By: /s/
Moira Kim Penza
Tanya Hajjar
Assistant U.S. Attorneys
(718) 254-7000

cc: Clerk of Court (NGG) (by ECF)
Counsel of Record (by ECF)